



UNITED STATES PATENT AND TRADEMARK OFFICE

M-L
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/469,644	12/22/1999	ALLAN R. GRIEBENOW	065446.0128	5227
5073	7590	11/22/2006	EXAMINER	
BAKER BOTTS L.L.P. 2001 ROSS AVENUE SUITE 600 DALLAS, TX 75201-2980			PHILIPPE, GIMS S	
			ART UNIT	PAPER NUMBER
			2621	

DATE MAILED: 11/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/469,644	GRIEBENOW, ALLAN R.
	Examiner Gims S. Philippe	Art Unit 2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 18 September 2006.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-11 and 13-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-5,8-11 and 13-24 is/are rejected.
- 7) Claim(s) 6-7 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____.	6) <input type="checkbox"/> Other: _____.

DETAILED ACTION

Applicant's response received on September 18 2006 has been considered. However, the applicant's arguments are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-5, 13-14, and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nerlikar (US Patent no. 5,629,981) in view of Light et al. (US Patent Application Publication no. 2006/0140374 A1).

Regarding claim 1, Nerlikar discloses a method for providing remote monitoring services (See Nerlikar col. 1, lines 7-11, col. 3, lines 1-14). The method comprising receiving and storing radio frequency identification (RFID) data from an RFID system in a remote facility of a subscriber (See Nerlikar Abstract, col. 3, lines 63-67 and col. 4, lines 1-10), receiving and storing video data from a video system at the facility (See Nerlikar col. 6, lines 43-55 and col. 19, lines 30-33).

It is noted that Nerkilar is silent about providing the subscriber with access to the stored RFID and video data, and access to and control of a video camera in the video system facility, and generating report for the subscriber.

However, Light provides monitoring services including the steps of providing the subscriber with access to the stored RFID and video data, and access to and control of a video camera in the video system facility, and generating report for the subscriber (See Light figs. 2 and 4, [0113 and 0117]).

Therefore, it is considered obvious that one skilled in the art at the time of the invention would recognize the advantage of modifying Nerlikar access controller by incorporating Light's steps of providing the subscriber with access to the stored RFID and video data, and access to and control of a video camera in the video system facility, and generating report for the subscriber. The motivation for performing such a modification in Nerlikar is to enable the end-user to access remotely a security surveillance or other video system area and appropriately monitor and operate on the system as needed.

As per claim 2, most of the limitations of this claim have been noted in the above rejection of claim 1. In addition, the combination of Nerlikar further suggests providing the subscriber with access wherein the video information is received over the Internet (See Nerlikar col. 4, lines 22-24).

As per claims 3-4, most of the limitations of these claims have been noted in the above rejection of claim 1.

It is noted that Nerlikar is silent about determine whether an alert condition exists and notifying the subscriber if an alert condition exists, and wherein the alert is a subscriber defined alert.

However, Light discloses processing the data to determine whether an alert condition exists and notifying the subscriber if an alert condition exists, and wherein the alert is a subscriber defined alert (See Light [0158]).

Therefore, it is considered obvious that one skilled in the art at the time of the invention would recognize the advantage of modifying Nerlikar's access control method by incorporating Light's step of processing the data to determine whether an alert condition exists and notifying the subscriber if an alert condition exists, and wherein the alert is a subscriber defined alert. The motivation for performing such a modification in Nerlikar is to give the keep end user (management in the in Light '74) informed of an emergency.

As per claims 5 and 21-23, most of the limitations of these claims have been noted in the above rejection of claim 3.

It is noted that Nerlikar is silent about generating an e-mail to subscriber as specified in the claims.

However, Light discloses generating an e-mail to the subscriber (See Light [0126]).

Therefore, it is considered obvious that one skilled in the art at the time of the invention would recognize the advantage of modifying Nerlikar's access control method by incorporating Light step of generating an e-mail to the subscriber. The motivation for performing such a modification in Nerlikar is to keep end user who is changing location informed of an emergency.

As per claims 13-14, Nerlikar further teaches an operating software providing resource allocation and computational mechanism, with the time and attendance of the subscriber which occurs at the time of programming a handshaking step as disclosed in Nerlikar 60-67 and col. 12, lines 1-12.

3. Claims 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nerlikar (US Patent no. 5,629,981) in view of Light as applied to claims 1 and 15-20 above, and further in view of Aviv (US Patent no. 6,028,626).

As per claims 8-11, most of the limitations of these claims have been noted in the above rejection of claim 1.

It is noted that the combination of Nerkilar and Light is silent about the use of the RDIF to poll when dealing with a specific pre-defined time and periodic event as specified.

Aviv discloses using RDIF to poll when dealing with a specific pre-defined time and periodic event (See Aviv col. 9, lines 25-37, lines 60-64, and col. 8, lines 48-67).

Therefore, it is considered obvious that one skilled in the art at the time of the invention would recognize the advantage of modifying the combination of Nerlikar and Light of the remote monitoring method by incorporating the step of using RDIF to poll when dealing with a specific pre-defined time and periodic event. The motivation for performing such modification above is to provide a cost efficient monitoring system, which depends on the level of security of a specific location as taught by Aviv (See Aviv col. 8, lines 45-51).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 15-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Light et al (US Patent Application Publication no. 2006/0140374 A1).

As per claims 15-19, Light discloses the same method for providing identity verification for access to a secure area comprising, eliciting a radio response from a radio frequency identification tag at an access door entrance, determining whether access by a wearer of the RFID tag to the secure area is authorized based on the radio response, recording a video image of the wearer of the RFID tag at the access door, and

controlling access to the door to provide access to the secure area by the wearer only if access is authorized (See [0158-0159]).

As per claims 20-24, Light discloses the same method for remotely notifying a subscriber pf an alert condition at a facility, comprising receiving a radio frequency identification action from an RFID system at a facility, determining whether the RFID action corresponds to a pre-defined alert condition, obtaining a video image associated with the RFID action only if the RFID action corresponds to a pre-defined condition, and electronically transmitting notice of the alert condition along with the video image for delivery to a manager of the facility (See [0156-0159]).

6. Claims 6-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

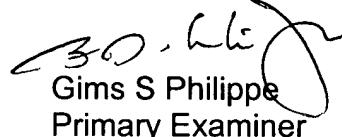
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gims S. Philippe whose telephone number is (571) 272-7336. The examiner can normally be reached on M-F (10:30-7:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dastouri S. Mehrdad can be reached on (571) 272-7418. The fax phone

Art Unit: 2621

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Gims S Philippe
Primary Examiner
Art Unit 2621

GSP

November 17, 2006